

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Richard Keith Poe, #259297,)	C/A No. 0:05-1568-CMC-BM
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
Jon Ozmint, Director SCDC;)	
Joel Anderson, Warden;)	
Sandra Barrett, Asst. Warden;)	
Charlotte Grecco; Nurse Parnell;)	
and Sam Strickland,)	
)	
Defendants.)	
)	

Plaintiff is a *pro se* inmate currently confined in Wateree Correctional Institution who seeks relief in this court pursuant to 42 U.S.C. § 1983 for alleged violation of his constitutional rights. Plaintiff filed a motion for a temporary restraining order, seeking an injunction as a result of Defendants' alleged denial of certain medical treatment.

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b) and (d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation. On August 11, 2005, the Magistrate Judge issued a Report recommending denial of Plaintiff's motion, as Plaintiff has failed to meet the standards for the issuance of either a temporary restraining order or a preliminary injunction. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has not filed direct objections to the Report and Recommendation; however, he has

submitted several filings to the court subsequent to the filing of the Report and Recommendation which the court has considered.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's motion for temporary restraining order is **denied**. This case is recommitted to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 30, 2005

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